

Mayday Witness Freed on Appeal

By Robert Kraftowitz
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The U.S. Court of Appeals for the District of Columbia yesterday ordered the release of a member of the Mayday Collective who had been jailed by a lower court for refusal to answer the questions of a grand jury.

The three-judge panel ruled that Carol Evans, 25, a press officer for the Mayday Collective, could not be held in custody while she appeals her contempt of court citation. The collective directed and organized last month's antiwar demonstrations here.

Mrs. Evans had been found in contempt Tuesday by U.S. District Court Judge John J. Sirica, who ordered her held "until the life of the grand jury expires or until she purges herself of contempt."

Mrs. Evans had refused to testify despite being offered immunity from any prosecution stemming from statements made before the grand jury.

The grand jury, investigating the Mayday Collective and antiwar protests on May 3, 4, and 5, was sworn in April 5 for an 18-month term.

In its ruling yesterday, the three-judge panel ordered Mrs. Evans released on personal recognizance but told her not to leave the District of Columbia without approval of the U.S. District Court here.

The Court order, issued by Circuit Judges Carl McGowan, Harold Leventhal, and Spottswood W. Robinson III, was only two paragraphs long and did not specify why the Court reversed Judge Sirica on her detention.

Attorneys for Mrs. Evans and two others called before

the grand jury, have charged that the subpoenas were based on "illegal electronic surveillance" by the Justice Department. The other two subpoenaed, Jerry Coffin and Marlene Fishlowitz, also have refused to testify.

At a news conference yesterday, Philip Hirschkop, attorney for Mrs. Evans, charged that the government is using grand jury investigations "to harass, suppress and discredit the antiwar movement."

"The grand jury is being used as a means of locking up people like Carol Evans, not as an investigative body," Hirschkop said.

Mrs. Evans was taken to the Women's Detention Center late Tuesday. Released yesterday at 2 p.m., she told newsmen that no matter how the Court of Appeals ultimately ruled, "I have no intention of testifying."

"If the government is prepared to illegally jail me, I guess I'll have to go along with it," Mrs. Evans said.